

FORTY-THIRD DAY

(Continued)

(Thursday, March 30, 1939)

The Senate met at 10:00 o'clock a. m., and was called to order by President Stevenson.

Leaves of Absence Granted

Senator Kelley was granted leave of absence for today on account of important business, on motion of Senator Winfield.

Senate Concurrent Resolution 28

Senator Redditt, by unanimous consent, offered at this time the following resolution:

S. C. R. No. 28, Relating to an appropriation by Congress for Aid to States for Wildlife Restoration.

Whereas, By Section 610, Title IV, of the Revenue Act of 1932, Congress placed a tax on firearms, shells and cartridges; and,

Whereas, The Pittman - Robertson Act (Public 415, Seventy-fifth Congress) authorized Congress to appropriate an amount equal to the revenue accruing from said tax on firearms, shells and cartridges for Federal aid to the States for the restoration of wildlife; and,

Whereas, For the present fiscal year Congress appropriated One Million (\$1,000,000) Dollars of the revenues accruing from said tax and has, and is using said appropriation to aid the States in wildlife restoration; and,

Whereas, It is of the utmost importance that the program of wildlife restoration which has been inaugurated in this, and other States, under the terms of the Pittman-Robertson Act, be carried forward without interruption and that the gains already made in wildlife restoration be not lost; therefore, be it

Resolved by the Senate of Texas, the House of Representatives concurring, That the Congress be, and it is hereby requested, to appropriate, as authorized by the Pittman-Robertson Act, the full amount of the tax imposed by Section 610, Title IV, of the Revenue Act of 1932, on firearms, shells and cartridges, for carrying out the purpose of the Act and enabling the States to restore their wildlife as contemplated under the provisions of this Act. Be it further

Resolved, That it is the desire of the Texas Legislature that our United States Senators and our Representatives in the Congress support this item in the appropriation bill. Be it still further

Resolved, That the Secretary of the Senate be and he is hereby directed to send a copy of this resolution to our United States Senators and Representatives in the Congress.

The resolution was read; and on motion of Senator Redditt and by unanimous consent, it was considered at this time and was adopted.

Message from the House

A Clerk from the House was recognized to present the following message:

Hall of the House of Representatives,
Austin, Texas, March 30, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills and resolution:

H. B. No. 787, A bill to be entitled "An Act defining the term 'Obscene publication,' prohibiting the sale of any obscene publication; providing a penalty for violation, and declaring an emergency."

(With engrossed rider.)

S. B. No. 263, A bill to be entitled "An Act to create a more efficient road law for Randall County, Texas, validating an order heretofore passed by the Commissioners' Court of Randall County authorizing the issuance of certain road and bridge funding bonds, the indebtedness refunded thereby, declaring said bonds when issued, approved by the Attorney General and registered by the Comptroller as the binding obligation of said County, excepting from the validating provision of this Act any indebtedness in litigation, and declaring an emergency."

H. B. No. 39, A bill to be entitled "An Act to amend Article 1986 of the Revised Civil Statutes of Texas, 1925, so as to provide for the joinder of more than one plaintiff in one cause of action under the conditions set out in the terms of the Act, and providing for an emergency."

H. B. No. 40, A bill to be entitled "An Act to amend Article 4202 of Chapter 8 of Title 69, of the Revised Civil Statutes of 1925, of the State of Texas, regulating the sales of real estate by guardians."

H. B. No. 84, A bill to be entitled "An Act so as to make it unlawful for any person to place, set, drag or use any seine, net or other device for taking fish and shrimp other than the ordinary pole and line, casting rod and reel, artificial bait, trot line, set line or cast net with a spread of not more than nine (9) feet, or a minnow seine of not more than twenty (20) feet in length for catching bait or have in his possession any seine, net or trawl without a permit issued by the Game, Fish and Oyster Commission, in or on the waters of Matagorda Bay east of the Colorado River, providing for the use of spear or gig and light for taking flounder in these waters, repealing all laws or parts of laws in conflict herewith; providing when this Act shall take effect; providing for confiscation of nets, seines and other tackle for evidence and providing for penalties, and declaring an emergency."

H. B. No. 161, A bill to be entitled "An Act giving the Commissioners' Courts authority to fix the salary of the County Treasurer, amending Section 13, Article 3912-E. Revised Civil Statutes of Texas 1925, reducing the minimum compensation which the County Treasurer is authorized to receive, repealing all laws or parts of laws in conflict therewith, and declaring an emergency."

H. B. No. 379, A bill to be entitled "An Act amending Section 1 of House Bill No. 1002, Chapter 363 of the Forty-fifth Legislature, Regular Session, 1937, relating to compensation of County Commissioners in certain counties, repealing all laws in conflict therewith, and declaring an emergency."

H. B. No. 640, A bill to be entitled "An Act providing that the Supreme Court may grant certain attorneys who have practiced law in a State of the United States for a period of 20 years and hold a license to practice law before the Supreme Court of the United States may be granted a license to practice in the State with-

out taking the bar examinations, and declaring an emergency."

H. C. R. No. 76, Recalling House Bill No. 267 from the Senate.

The House had adopted the Conference Committee report on H. B. No. 802 by a vote of 128 yeas, 1 no.

Respectfully submitted,

E. R. LINDLEY,
Chief Clerk, House of Representatives.

Reports of Standing Committees

Senator Sulak, by unanimous consent, submitted at this time the following reports of the Committee on Public Printing:

Austin, Texas,
March 29, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Public Printing, to whom was referred

S. B. No. 88, by Burns, A bill to be entitled "An Act to provide for the Texas Prison Board, through its General Manager, bidding for contracts to supply the State with printing, binding and supplies of like character with the Board of Control without a bond, and entering into such contracts with the Board of Control without executing a bond, setting the amount, and declaring an emergency,"

Have had the same under consideration, and it becomes my duty under rule 99-B to report it back to the Senate with the recommendation that it do not pass.

SULAK, Chairman.

Senator Stone of Washington, by unanimous consent, submitted at this time the following report of the Committee on Public Health:

Austin, Texas,
March 29, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Public Health, to whom was referred

S. B. No. 277 by Martin, A bill to be entitled "An Act amending Section 4 and Section 7, Chapter 287, Acts of the Regular Session of the Forty-fourth Legislature, relating to the powers of the State Board of Embalming so as to provide for refusal to issue or renew licenses,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

STONE of Washington,
Chairman.

Minority Report

Senator Sulak presented the following report:

Austin, Texas,
March 28, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, a minority of your Committee on Public Printing, to whom was referred

S. B. No. 88 by Burns, A bill to be entitled "An Act to provide for the Texas Prison Board, through its General Manager, bidding for contracts to supply the State with printing, binding, and supplies of like character with the Board of Control without a bond, and entering into such contracts with the Board of Control without executing a bond, setting the amount, and declaring an emergency,"

Beg to recommend that the minority report be adopted for the majority report and that said bill do pass and be printed.

PACE,
REDDITT.

Report of Conference Committee on House Bill 802

Senator Winfield submitted at this time the following report of the Conference Committee on H. B. No. 802:

Austin, Texas,
March 29, 1939.

Hon. Coke R. Stevenson, President of the Senate,

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sirs: We, your Free Conference Committee, appointed to adjust the differences between the two Houses on House Bill No. 802 have considered same and recommend that the Bill do pass as passed by the House of Representatives and amended by the Senate, with the following amendment:

That the words and figures "ninety (90)" in the caption at the end of the third line from the bottom of the caption be changed to "thirty (30)", and

that the words and figures "ninety (90)" in the next to the last line of Section 5 be changed to the words and figures "thirty (30)", and that said bill with said two changes be passed otherwise as passed by the House and Senate.

Respectfully submitted,
KELLEY,
HEAD,
BROWNLEE,
MARTIN,
SMALL,

On the part of the Senate.

POPE,
HANKAMER,
CELAYA,
THORNTON,
VALE,

On the part of the House.

Question — Shall the report be adopted?

The report was adopted by the following vote:

Yeas—30

Aikin	Moore
Beck	Nelson
Brownlee	Pace
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Graves	Small
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Stone
Lanning	of Washington
Lemens	Sulak
Martin	Van Zandt
Metcalf	Weinert
Moffett	Winfield

Absent—Excused

Kelley

Minority Report on Senate Bill 249 Adopted

Senator Small moved that the minority report on S. B. No. 249 be adopted in lieu of the majority report on the bill.

The motion prevailed by the following vote:

Yeas—16

Aikin	Martin
Graves	Metcalf
Head	Moffett
Isbell	Pace
Lanning	Redditt

Small
Stone
of Galveston
Stone
of Washington

Van Zandt
Weinert
Winfield

Nays—6

Burns
Collie
Cotten

Hardin
Hill
Sulak

Present—Not Voting

Beck

Nelson

Absent

Brownlee
Lemens
Moore

Roberts
Shivers
Spears

Absent—Excused

Kelley

House Bill on First Reading

The following bill, received from the House today, was laid before the Senate, read first time, and referred to the committee indicated:

H. B. No. 787, to Committee on Criminal Jurisprudence.

Committee Substitute for Senate
Joint Resolution 12 on En-
grossment

The Senate resumed consideration of pending business, same being Committee Substitute for S. J. R. No. 12, relative to the levy and collection of taxes for social security purposes, on its passage to engrossment; with amendment by Senator Sulak pending.

Question—Shall the amendment be adopted?

Senator Weinert moved to table the amendment.

Yeas and nays were demanded, and the motion to table prevailed by the following vote:

Yeas—16

Beck
Collie
Cotten
Isbell
Martin
Moore
Nelson
Pace
Redditt

Roberts
Shivers
Small
Stone
of Galveston
Stone
of Washington
Weinert
Winfield

Nays—8

Aikin
Hardin
Hill
Lanning

Lemens
Metcalf
Sulak
Van Zandt

Absent

Graves
Head

Moffett
Spears

Absent—Excused

Kelley

Paired

Senator Burns (present), who would vote "nay" with Senator Brownlee (absent), who would vote "yea."

Senator Stone of Washington offered the following amendment to the resolution:

Amend S. J. R. No. 12, page 3, line 3, by changing the words and figures "Fifteen Million Dollars (\$15,000,000) to words and figures "Eighteen Million Dollars (\$18,000,000)."

Senator Hardin offered the following substitute for the amendment:

Amend Committee Substitute for S. J. R. No. 12, by striking out \$15,000,000 and substituting in lieu thereof \$30,000,000.

Yeas and nays were demanded, and the substitute for the amendment was adopted by the following vote:

Yeas—17

Aikin
Beck
Burns
Cotten
Graves
Hardin
Hill
Isbell
Lanning

Lemens
Metcalf
Moffett
Nelson
Spears
Stone
of Galveston
Sulak
Van Zandt

Nays—11

Collie
Martin
Moore
Pace
Redditt
Roberts

Shivers
Small
Stone
of Washington
Weinert
Winfield

Absent

Brownlee

Head

Absent—Excused

Kelley

Question recurring on the amendment as substituted, yeas and nays were demanded.

The amendment as substituted was adopted by the following vote:

Yeas—17

Aikin	Lemens
Beck	Metcalf
Burns	Moffett
Cotten	Nelson
Graves	Spears
Hardin	Stone
Hill	of Galveston
Isbell	Sulak
Lanning	Van Zandt

Nays—11

Collie	Shivers
Martin	Small
Moore	Stone
Pace	of Washington
Redditt	Weinert
Roberts	Winfield

Absent

Brownlee	Head
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Absent—Excused

Kelley

Senator Isbell offered the following amendment to the resolution:

Amend pending Substitute S. J. R. No. 12 by striking all of subsections 1 to 8 inclusive of 51-E, and adding the following:

That Article 3 of the Constitution of the State of Texas is hereby amended by adding thereto a section to be known as Section 51-E as follows:

SEC. 51E. The Legislature is directed to levy and provide for the collection of a tax on retail sales of personal property in an amount not to exceed two (2%) per cent of the retail sale price for the purpose of raising during each year sufficient revenue for the payment of old age assistance, assistance to the blind, assistance to destitute and dependent children, and assistance to the Teachers Retirement, as heretofore authorized by the Constitution:

"And further, the Legislature shall levy against the natural resources of this State a tax for the above purposes not to exceed an amount of one-fourth ($\frac{1}{4}$) of the amount raised by the retail sales tax. After the several sums of money have been made available for the purposes above

mentioned and allocated for the various purposes by the Legislature, any balance remaining at the end of the fiscal year after payment to the above functions, shall be placed in the Permanent School Fund.

"The taxes levied by the adoption of this Resolution shall automatically expire on January 1, 1943, unless the qualified electors shall re-adopt the Constitutional Amendment at the General Election in the year 1942. At said General Election the question of repealing the amendment to the Constitution shall be submitted in the following manner:

"For repeal of Section 51-E of Article 3 of Constitution as adopted in the year 1939."

"Against repeal of Section 51-E of Article 3 of Constitution as adopted in year 1939."

"In the event the majority of the votes cast at said election favor repeal, the amendment to the Constitution shall be eliminated therefrom. In the event the majority of the votes cast are opposed to repeal, then the amendment as adopted in 1939 shall for all purposes be and remain in effect."

Senator Roberts moved to table the amendment.

Yeas and nays were demanded, and the motion to table prevailed by the following vote:

Yeas—22

Burns	Nelson
Collie	Pace
Cotten	Redditt
Graves	Roberts
Hardin	Shivers
Head	Small
Hill	Stone
Lanning	of Galveston
Lemens	Stone
Martin	of Washington
Metcalf	Van Zandt
Moore	Weinert

Nays—7

Aikin	Spears
Beck	Sulak
Isbell	Winfield
Moffett	

Absent

Brownlee

Absent—Excused

Kelley

Senator Van Zandt offered the following amendment to the resolution:

Amend Committee Substitute for S. J. R. No. 12 by striking therefrom the resolving clause.

Question—Shall the amendment be adopted?

Recess

On motion of Senator Moffett, the Senate, at 12:05 o'clock p. m., took recess to 2:00 o'clock p. m. today.

Afternoon Session

The Senate met at 2:00 o'clock p. m., and was called to order by the President.

Bill Signed

The President signed, in the presence of the Senate, after its caption had been read, the following enrolled bill:

S. B. No. 263, "An Act to create a more efficient road law for Randall County, Texas, validating an order heretofore passed by the Commissioners' Court of Randall County authorizing the issuance of certain road and bridge funding bonds, the indebtedness refunded thereby, declaring said bonds when issued, approved by the Attorney General and registered by the Comptroller as the binding obligation of said County, excepting from the validating provision of this Act any indebtedness in litigation, and declaring an emergency."

Appointment Announced

Pursuant to Senate Resolution 54, the President announced the appointment of Senator Head as a delegate to the meeting of the Council of State Governments to be held in Chicago on April 5, 6 and 7, 1939.

Committee Substitute for Senate Resolution 12 on Passage to Engrossment

The Senate resumed consideration of pending business, same being Committee Substitute for S. J. R. No. 12 on its passage to engrossment, with amendment by Senator Van Zandt, striking out the resolving clause of the bill, pending.

Question—Shall the amendment be adopted?

Report of Standing Committee

Senator Collie, by unanimous consent, submitted at this time the following report of the Committee on Public Lands and Land Office:

Austin, Texas,
March 30, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Public Lands and Land Office, to whom was referred

S. B. No. 407, A bill to be entitled "An Act to confirm and validate all resales and awards of public school lands in counties with a population of not less than 6,400 nor more than 6,500, where such public school lands were forfeited prior to January 1, 1938, etc., and declaring an emergency,"

Have had the same under consideration, and I am instructed by the Committee to report back to the Senate with the recommendation that it do pass and be not printed.

COLLIE, Chairman.

Adjournment

On motion of Senator Collie, the Senate, at 3:10 o'clock, p. m., adjourned until 10:00 o'clock a. m., tomorrow.

FORTY-FOURTH DAY

(Friday, March 31, 1939)

The Senate met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by President Stevenson.

The roll was called, and the following Senators were present:

Aikin	Moffett
Beck	Moore
Brownlee	Nelson
Burns	Pace
Collie	Redditt
Cotten	Roberts
Graves	Shivers
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Stone
Lanning	of Washington
Lemens	Sulak
Martin	Weinert
Metcalf	Winfield